

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBERT W. JACKSON, III, et al.,)
)
Plaintiffs,)
)
v.) Civ. No. 06-300-SLR
)
CARL C. DANBERG, et al.,) **CLASS ACTION**
)
Defendants.)

O R D E R

At Wilmington this 21st day of July, 2008,

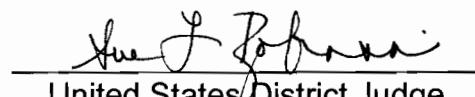
IT IS ORDERED that:

1. Plaintiff's motion for clarification (D.I. 96) is denied. The court is not convinced that evidence of past practices and experiences under Delaware's old protocol and regime is relevant to the question before the court, that is, whether Delaware's new protocol passes constitutional muster under Baze v. Rees, 128 S. Ct. 1520 (2008).

2. The documents filed by defendants pursuant to the court's June 27, 2008 order shall remain under seal until further order of the court.¹ The unredacted Delaware Execution Protocol (D.I. 103) was for the court's in camera review and should not have been filed at all. Likewise, consistent with D. Del. LR 5.4(b), discovery documents are not meant for public consumption until such time, if ever, they are used by the parties in

¹If defendants have no objection to these documents being made publicly available, they shall so notify the court on or before July 31, 2008.

a court proceeding. The discovery materials filed by defendants (D.I. 104) shall not be treated differently.



United States District Judge